

NTUMUN 2021

STUDY GUIDE



UNHCR



UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

CHAIR INTRODUCTIONS

MUH. GANESH ARKANA AULIA ABROR

(HEAD CHAIR OF UNHCR)

Greetings delegates! Muh. Ganesh Arkana or shortly Arkana is an undergraduate International Relations student from University of Brawijaya, Indonesia. Despite having a minor in global political economy, he has developed a keen interest in human security studies. This interest has led him to serve as the President of Amnesty International in his respective university. He will be serving as your head chair in this year's edition of NTUMUN. Being an IR student, he finds Model UN to be something enjoyable and therefore willing to spend some of his time doing it. Arkana has been in the circuit for quite some time now since he first discovered MUN in 2018. From being the Under Secretary General of Substance in Brawijaya MUN to working with The European International MUN, he surely has tons of experience that can be shared with everyone in the council. Arkana is therefore looking forward to having fruitful discussions within the council but most importantly, he will make sure that everyone is having a great time! Shall you have any inquiries, kindly approach him at arkanmaurer@gmail.com and he will be happily answering your questions!

THERESIA MAGDALENA THEOFANNY

(ASST. CHAIR OF UNHCR)

Theresia Magdalena Theofanny is a penultimate year psychology student from the University of Indonesia. Albeit not coming from a conventional MUN-related background, Theresia has a keen interest in international affairs, particularly ones related to humanities. Starting her journey in just a little over a year ago, Theresia has delegated in more than 10 national and international MUN conferences and has accumulated various awards consistently. Apart from the valuable knowledge it offers, Theresia believes that MUN is one of the best platforms for self-development and networking with like minded individuals. In the future, Theresia hopes to continue her career in the field of forensic psychology or international relations. All in all, Theresia is beyond excited to open a new chapter in her MUN career as the assistant chair for the UNHCR council in Nanyang Technological University MUN.

HAFIZA BINTI ABDUL SAMATH

(ASST. CHAIR OF UNHCR)

Hafiza hails from the northernmost part of peninsular Malaysia called Penang Island. She is a penultimate year law student at the University of London. Hafiza is involved in Model UN extensively as a mentor/ Chairperson/ Secretariat and delegate, in addition to winning various awards worldwide. She has worked alongside with three different UN Associations in different parts of the world. Hafiza is currently a reporter for Doorstep News, UK. She writes mainly on underreported issues where one of her recent write ups has been applauded for bringing light to the Australian aboriginal crisis. She is also a debate coach for Winter Camp at Reach for the Stars; an online platform that provides free education worldwide. Besides also heading her own team at SolidariTee; a British Refugee crisis student-led society. Hafiza is looking forward to seeing how this committee will be navigated by the delegates!

GHINA RAIHANAH TADJOEDIN

(ASST. CHAIR OF UNHCR)

A law undergraduate who is keen on commercial law, education, and international affairs. Ghina has been involved in MUN since her high school years, and she loves it even more until now. For her, MUN is a place of self-expression, where she can pretend to be someone prominent and speak like every word of her matter to resolve a global phenomenon. Ghina does not only partake in MUN as a delegate, but she is also experienced as Chairperson and currently organizing Jakarta International MUN 2021 as the Secretary-General. She is looking forward to a substantive debate while maintaining the diplomatic attitude one must have in an actual UN meeting.

WELCOME LETTER

Dear Delegates,

When discussing about refugees, it is important for us to understand that asylum rights and protection are basic human rights and no one should be prevented from executing such rights. By having such understanding as your starting point, you will be able to see how badly refugees and other people who are seeking asylum have been treated. Aside from the 1951 Refugee Convention, the rights of refugees have been endorsed by other legal bases including national laws. It is important for you to be able to determine what

kind of violation that states and international community might have done to these people.

You will also learn that the issue of refugees is multidisciplinary, meaning that you cannot solve it without addressing secondary concerns such as economy, security, social, political, and other related areas circling the issue. It is therefore very common for states to consider refugees and asylum seekers as something dilemmatic to their national interest. It is therefore ideal if you could come up with solutions that are able to tackle all of the existing dilemmas and accommodate national interests at the same time.

For this council specifically, you will be talking about two main agendas, which are (1) The maritime movement of refugees, and (2) The integration and employment of refugees. For the first topic, you will be discussing the issues and implications of the refugees' journey to the host countries, which mostly consist of crossing the sea. As for the second topic, you will be expected to discuss the problems pertaining to difficulties of refugee integration into local society, as well as obtainment of occupations in the job market due to legal or social barriers. All in all, it is imperative for you not only to research well on the two topics, but also to perceive matters from your allocated country's point of view.

What we will be discussing has been very relevant and important in today's world climate. The refugee crisis has been a rapidly growing world issue, one that countries are still grappling to solve. As a humanitarian crisis at its core, the refugee problem has no clear cut answer or solution. It blurs the lines between moral obligations, political self-interest, national sovereignty, and international relationships. The conversations we will have mimic those happening during sessions of the United Nations, one in which real diplomats have yet to come up with an acceptable solution. There are no wrong ideas and creative thinking is encouraged. You will need to consider the myriad of facets around this problem as you delve into your research, using the information here as your starting point. It is important to acknowledge that the refugee crisis is a world crisis and, though your country might not be directly impacted, how the global community reacts now will set the stage for international politics for years to come and that is something everyone can and should contribute to.

Model UN is exactly what you make it. Whether you are new to Model UN or a seasoned veteran, get excited about our topic, participate actively and take initiatives with creative solutions.

Chairs of UNHCR
NTUMUN 2021

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

INTRODUCTION TO COUNCIL



At the first United Nations General Assembly in 1946, Member States recognized the rising urgency of actions to solve humanitarian problems arising from people being forced to leave their homes, risking everything to escape armed conflict, natural disasters, poverty and hunger. This resulted in the creation of the International Refugee Organization in the following year. However, due to the high political tension created after World War II due to the different understanding of refugee protection from Western Allies and the Soviet Union, the International Refugee Organization was replaced by a Non-Political Organization known as The Office of High Commissioner for Refugees.¹

As outlined in Article 7 (1) of the UN-Charter, the UNHCR is not a UN organ itself, but the office, represented as well as governed by the High Commissioner, acts under the authority of the United Nations General Assembly and comprises a non-political character.² The UNHCR works closely with

governments, regional, international and nongovernmental organisations. The birth of the 1951 Refugee Convention has become the basis of the UNHCR work relating to the Status of Refugees which has given the basic principle of regulations in regards to refugees and the status of persons of concern. In 1967 the Convention was updated to Protocol on the Status of Refugees which gives in depth elaboration on the principle of refugees such as respecting the principle of non-refoulement which is defined as not transporting refugees to a place prone to persecution, or to a country which might transport them to such a place, providing refugees with a legal status, including rights such as access to employment, education and social security, and not punishing refugees for entering without a passport or visa.

The High Commissioner for Refugees is mandated to develop policies, ensure effective management, and oversees refugees' activities around the world. Therefore, UNHCR has a global mission to ensure the rights and well-being of

¹ "The Mandate Of The High Commissioner For Refugees And His Office". 2020. *UNHCR Documents*, no. 2020.

² "Protecting Refugees and The Role Of UNHCR". 2014, 2-28.

refugees. The UNHCR should guarantee that everyone has the right to asylum in another state and to return voluntarily to their country of origin. Furthermore, it is obliged to ensure refugees' rights are being respected and implemented during the whole process. During the realization of their mandate, every activity conducted from the UNHCR must refer back to the essential normative framework which is the International Refugee Law. The UNHCR is also given authorization to make necessary intervention for other groups including stateless people.³ Last, this council seeks to prevent forced displacement by encouraging Member States to create optimal conditions for the protection of refugee rights and for the peaceful settlement of disputes. It also intends to provide protection and assistance to persons of its concern without any distinction of political opinion, race, religion, and sex.⁴

In managing the refugee situation, the UNHCR has two essential functions. First is to ensure the international protection

of refugees as mentioned above. Second is to encourage governments to ratify international and regional conventions as well as agreements concerning refugees, especially during the period of examination and the asylum application; to verify that refugees are treated in accordance with the internationally recognised standards, that they have an appropriate legal status and, if possible, the same economic and social rights as nationals of the host country; to protect refugees particularly from military attacks or other acts of violence.⁵

Over 69 years the UNHCR has become one of the largest humanitarian organizations in the world, marking its presence in a total of 128 countries. This specialized agency has helped more than 50 million refugees since its creation and has been awarded the Nobel Peace Prize twice in 1954 and 1981..

³ "Statute of The Office of The UNHCR". 2011 428 (V): 6-12.

⁴ "UNHCR: An Overview". 2008.

⁵ "Protecting Refugees And The Role Of UNHCR". 2013. *UNHCR Documents*, no. 2013.

TOPIC 1: MARITIME MOVEMENT OF REFUGEES

SUMMARY

Due to the extensive process of asylum application, it is no secret that many asylum seekers often resort to illegal measures to escape their home countries and seek safety in host countries. Since most asylum seekers lack formal documents of identification, their methods of transportation are fairly limited, as they cannot cross borders through land or sea where documents would be required to pass through immigration. That said, many asylum seekers are smuggled into boats, where they travel by sea and land on bordering countries. These methods are undoubtedly highly dangerous, as the

boats are usually overcrowded and are not in optimal shape to board and sail. It is a common occurrence for the journey to turn south, with the boats breaking down, a shortage of food, and even direct violence and brutality from the smugglers, traffickers, and in some cases even state officials.^{6,7,8} Seeing the various issues that stem from the maritime movement of refugees, it is imperative for the Member States to discuss this issue and come up with several implementable solutions to both save the refugees and fulfill the interest of the States.

⁶ "Asylum seeker boat with 21 aboard ran out of fuel three days" 23 Sept. 2015, <https://www.theguardian.com/world/2015/sep/24/asylum-seeker-boat-with-21-aboard-ran-out-of-fuel-three-days-before-rescue>. Accessed 3 Jan. 2021.

⁷ "'Totally shameful': Outrage as ASEAN nations abandon" 26 Jun. 2020, <https://www.thejakartapost.com/news/2020/06/26/totally-shameful-outrage-as-asean-nations-abandon-rohingya-boat-people.html>. Accessed 3 Jan. 2021.

<https://www.un.org/africarenewal/news/thousands-refugees-and-migrants-suffer-extreme-rights-abuses-journeys-africa%E2%80%99s-mediterranean>. Accessed 3 Jan. 2021.

⁸ "Thousands of refugees and migrants suffer extreme rights" <https://www.un.org/africarenewal/news/thousands-refugees-and-migrants-suffer-extreme-rights-abuses-journeys-africa%E2%80%99s-mediterranean>. Accessed 3 Jan. 2021.

INTRODUCTION

When the Office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1951, there were approximately 2.1 million refugees internationally. At the end of 2013 there were an estimated 51.2 million forcibly displaced people worldwide, including 16.7 million refugees (11.7 million under UNHCR's mandate), close to 1.2 million asylum seekers and 33.3 million internally displaced persons (IDPs). Over half of the world's refugees under UNHCR's mandate, approximately 6.3 million, remained in protracted situations (in exile for five years or more) at the end of 2013⁹. According to the UNHCR report¹⁰, the main factors behind the dramatic surge in numbers were the escalation of conflicts in the Middle East, Central and West Africa, as well as the lack of solutions for existing refugees.

UNHCR's mandate¹¹ is the legal basis for UNHCR's activities and the rationale for its existence. It informs what UNHCR is supposed to do and for whom.

The primary source of UNHCR's mandate is the Statute adopted by the General

Assembly (GA) of the United Nations in 1950 (Resolution 428 (V) of 14 December). Paragraph 1 of the Statute states that "The ... High Commissioner ..., acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees.

The Statute further develops the material scope in paragraph 8. The personal scope was subsequently expanded by the GA (as foreseen in paragraph 9 of the Statute) to include stateless persons (clarified by the GA in 1974 and confirmed in 1976), asylum-seekers (clarified by the GA in 1981), and returnees (recognized by the GA in 1985).

UNHCR does not have a general or exclusive mandate for internally displaced people. The GA has authorized UNHCR's involvement in specific operations since 1972 (for example in Sudan, Angola, Colombia, and Bosnia and

⁹ "The State of The World's Refugees 2000: Fifty Years of Humanitarian Action" *United Nations High Commissioner for Refugees (UNHCR)* accessed December 29, 2020 <http://www.unhcr.org/4a4c754a9.html>

¹⁰ "Resolve conflicts or face surge in life-long refugees worldwide, warns UNHCR Special Envoy" *United Nations High Commissioner for Refugees (UNHCR)* accessed January 19, 2021 <https://www.unhcr.org/en-my/news/press/2014/6/53a42f6d9/resolve-conflicts-face-surge-life-long-refugees-worldwide->

[warns-unhcr-special.html#:~:text=According%20to%20the%20UNHCR%20report,of%20solutions%20for%20existing%20refugees.](http://www.unhcr.org/4a4c754a9.html)

¹¹ "UNHCR's mandate for refugees, stateless persons and IDPs" *United Nations High Commissioner for Refugees (UNHCR)* accessed January 19, 2021 <https://emergency.unhcr.org/entry/55600/unhcrs-mandate-for-refugees-stateless-persons-and-idps>

Herzegovina), and in 1993 clarified UNHCR's role under certain formal conditions.

The refugee mandate applies in both emergency and non-emergency situations, including in mixed movements situations involving asylum-seekers and refugees as well as migrants. The refugee mandate also applies both in camp and outside camp settings. In short, the High Commissioner has a mandate with respect to refugees globally, where and however they are located.

All humanitarian actors as well as States need to be aware of UNHCR's role, as defined by its mandate. This ensures a common understanding of organisational responsibilities and accountabilities. It also helps to clarify UNHCR's role, how it works in the humanitarian system, and the direct relationship it needs to maintain with Government authorities on refugee matters.

Irregular maritime migration is not a new phenomenon. What is relatively new is the growing trend towards mixed migration flows, which include "both forced and voluntary movements." The present trend toward mixed migration

means that refugees are likely to be present among the populations targeted by States' migration control tactics, whether as persons traveling in makeshift, unseaworthy vessels, using forged documents, resorting to the use of a smuggler, or even among those unwittingly ensnared by a trafficker.¹²

Irregular maritime movements of mixed populations that include persons of concern to UNHCR have been prevalent in the Asia Pacific region for many years¹³. These movements typically include a mix of people from Bangladesh and Myanmar¹⁴. There are many articles examining interception from a human rights or refugee law perspective, and others that examine it from a law of the sea standpoint, and still fewer undertake to examine interception from both perspectives. As such, in recent years the importance of jointly addressing maritime interception and rescue issues has become more widely recognized by both scholars and the international community.

European Migrant Crisis has been one of the most prominent cases that concern the maritime movement of refugees. Millions of people migrate through sea, particularly Mediterranean sea, since 2015 trying to reach European countries for asylum. Many of these asylum seekers had to suffer from taking dangerous

¹² Barbara Miltner, "Irregular Maritime Migration: Refugee Protection Issues in Rescue and Interception" *Fordham International Law Journal* 1, issue 19 (2006): 75 accessed 29 December 2020

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2035&context=ilj>

¹³ UNHCR, "South-east Asia Irregular Maritime Movement" *UNHCR*, accessed December 29, 2020 <https://www.refworld.org/pdfid/53f74c194.pdf>

¹⁴ Moretti Sebastian "UNHCR and the migration regime complex in Asia-Pacific" *UNHCR*, accessed January 19, 2021 <https://www.unhcr.org/5823489e7.pdf>

routes before they could reach the continents. Additionally, many of them were also smuggled, inhumanely treated, and even died during their journey.

In the context of the unprecedented current COVID-19 crisis¹⁵, all states must manage their borders as they see fit to

further prevent the spread of the disease. But such measures should not result in the closure of avenues to asylum, or of forcing people to return to situations of danger. UNHCR stands ready to support Governments in carrying out responsible disembarkation procedures and quarantine measures to ensure that public health issues are addressed.

BACKGROUND

In 2018, an unprecedented number of asylum seekers, refugees, and irregular migrants experiencing mass forced displacement due to civil conflict, persecution, human trafficking, and poverty were recorded globally¹⁶. Worldwide, the sum of individuals forcibly displaced grew to a staggering 70.8 million, with more than a third (25.9 million) crossing international borders in an attempt to seek refuge and asylum.

The most globally recognised aspect of this is probably the ongoing 'European refugee crisis', which gained significant attention in recent years. In 2018¹⁷, some 141,500 refugees and migrants arrived in Europe through the Eastern, Central and Western Mediterranean migration

routes. On average one in every four of them was a child (UNHCR). This included an estimated 6,000 unaccompanied and separated children. While overall sea arrivals have dropped by almost 20 per cent as compared to 2017 following measures to stop crossings through the Central Mediterranean route, other Mediterranean routes in the East and West saw increased influx.

In fact, in 2018 half of all newly arrived refugee and migrant children in Europe were registered in Greece (some 17,200 children) with another 35 per cent in Spain. Most of them fled conflict, violence, insecurity and lack of opportunities in the Middle East, South Asia, East and West Africa. 2018

¹⁵Indrika Ratwatte, "News comment on maritime movements of refugees and asylum-seekers," accessed December 29, 2020 <https://www.unhcr.org/en-my/news/press/2020/4/5ea13da74/news-comment-maritime-movements-refugees-asylum-seekers-unhcr-regional.html>

¹⁶ "Global trends: forced displacement in 2018", *UNHCR*, accessed December 29, 2020

<https://www.unhcr.org/globaltrends2018/>

¹⁷ "Refugee and Migrant Crisis in Europe" *UNICEF*, accessed January 19, 2021 <https://www.unicef.org/appeals/refugee-migrant-response-europe#:~:text=Between%20January%20and%20August%202020,require%20urgent%20care%20and%20protection.>

presented a major opportunity for the improved protection of children on the move and seeking asylum in Europe with the adoption of the Global Compact on Migration by 152 Member States, who made important commitments for upholding children's best interests in all situations, reaffirming the principle of family unity, and ensuring children have access to services such as health, education and case management.

In many instances, local and national authorities have already been acting on improving legislation, strengthening protection standards (e.g. Germany, Greece, Italy) and making public schools more inclusive and welcoming to refugee and migrant children (Bulgaria, Greece and Serbia).

Nevertheless, migration has been high on the political agenda across Europe, leading to increased political division and hardening national migration and asylum policies (e.g. limited access to international protection, accelerated returns and criminalization of humanitarian assistance). This was coupled with ongoing restrictions to

search and rescue operations in the Central Mediterranean resulting in refugees and migrants stranded at sea, as well as tightened border control and violent push-backs at borders in the Balkans and in Western Europe. Hate crimes and discrimination have also been on the rise.

Concurrently, a similar crisis occurred in Southeast Asia from 2015 and currently involves irregular maritime migration of refugees and other migrants across the Bay of Bengal and the Andaman Sea¹⁸. In this context, irregular migration, as defined by the UN International Organization for Migration (IOM), refers to movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the state of origin, transit, or destination¹⁹.

Southeast Asia has a complex history of mixed migration that includes populations forcibly displaced by humanitarian crises²⁰. For populations affected by forced displacement, the health risks are generally much higher than for economic migrants²¹, as they

¹⁸ "Mixed maritime movements in southeast-asia in 2015" *UNHCR*, accessed December 29, 2020

<https://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Maritime%20Movements%20in%20South-East%20Asia%20-%202015.pdf>

¹⁹ "Key migration terms" *IOM UN Migration*, accessed December 29, 2020
<https://www.iom.int/key-migration-terms>

²⁰ Legido-Quigley Helena, Pocock Nicola, Tan Sok Teng, Pajin Leire, Suphanchaimat Repeepong,

Wickramage Kol et al. "Healthcare is not universal if undocumented migrants are excluded" *BMJ*, accessed December 29, 2020
<https://doi.org/10.1136/bmj.l4160>

²¹ Fiona Leh Hoon Chuah, Sok Teng Tan, Jason Yeo & Helena Legido-Quigley, "The health needs and access barriers among refugees and asylum-seekers in Malaysia: a qualitative study" *International Journal for Equity in Health*, accessed December 29, 2020
<https://doi.org/10.1186/s12939-018-0833-x>

encounter threats throughout their migration journey and commonly experience protracted detainment and overcrowding, inadequate shelter, food insecurity, and poor water and sanitation²². When they arrive in countries of transit or temporary asylum, poor access to healthcare services is further compounded by a lack of social networks and assets to effectively navigate the health system. Social determinants of health are compromised for many undocumented migrants and refugees, as their lack of legal status denies them access to work or education.

Irregular maritime migration along the migratory route from the Bay of Bengal across the Andaman Sea is cited as one of the most dangerous routes globally with the second highest number of deaths after the Mediterranean Sea routes. From 2012 to 2015, an estimated 170,000 Rohingya refugees and Bangladeshi migrants undertook these

dangerous sea crossings to Thailand, Malaysia, and Indonesia²³. Recently, several key events have highlighted issues affecting such populations and the implications of forced migration on population health. In mid-2015, this irregular maritime migration entered a period of crisis as countries in the region were faced with a humanitarian crisis involving thousands of people on vessels stranded at sea as Rohingya refugees undertook dangerous sea journeys across the Bay of Bengal to escape violence and persecution²⁴. An estimated 95,000 Rohingya and Bangladeshi migrants attempted boat crossings to neighbouring countries²⁵. The discovery of mass graves at the Thai-Malaysian border led to a series of severe measures on human trafficking.²⁶ Human trafficking takes place in every region of the world: Human beings are sold, bought and traded much like objects. Victims of trafficking end up in the hands of traffickers because they are being

²² Helena Legido-Quigley, Fiona Leh Hoon Chuah, Natasha Howard “Southeast Asian health system challenges and responses to the ‘Andaman Sea refugee crisis’: A qualitative study of health-sector perspectives from Indonesia, Malaysia, Myanmar, and Thailand” *Plos Medicine*, accessed December 29, 2020

<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003143#>

²³ UNHCR Regional Office for South-East Asia, “Mixed movements in southeast asia 2016” *UNHCR*, accessed December 29, 2020 <https://unhcr.atavist.com/mm2016>

²⁴ “Mixed maritime movements in 2015” *UNHCR*, accessed December 29, 2020 <https://reporting.unhcr.org/sites/default/files/UNHCR%20->

[%20Mixed%20Maritime%20Movements%20in%20South-East%20Asia%20-%202015.pdf](https://news.un.org/en/story/2015/12/517322-southeast-asian-countries-pledge-cooperation-bay-bengal-mixed-migration-un)

²⁵ “Southeast Asian countries pledge cooperation on Bay of Bengal mixed migration – UN refugee agency” *UN News*, accessed December 29, 2020

<https://news.un.org/en/story/2015/12/517322-southeast-asian-countries-pledge-cooperation-bay-bengal-mixed-migration-un>

²⁶ “IOM Releases Funds to Tackle Migrant Crisis in Andaman Sea; Calls for Urgent Action to Save Lives” *IOM UN Migration*, accessed December 29, 2020

<https://www.iom.int/news/iom-releases-funds-tackle-migrant-crisis-andaman-sea-calls-urgent-action-save-lives>

deceived, being forced or abducted²⁷. Alongside restrictive policies at sea²⁸, these maritime routes were disrupted over time²⁹, and a mass exodus of over 742,000 Rohingya refugees have fled to Bangladesh since August 2017³⁰.

Recent estimates show that 30 million persons were trafficked in the Asia-Pacific region in 2015, with 2.63 million from within the region.³¹ IOM data shows that of 7,000 identified trafficked persons assisted by the organisation in 2015 in the region, 88.4% were trafficked into situations of forced labour (excluding domestic work).³² Within the region, there is a very large number of forced labourers. In 2012 the ILO estimated that within the region there were 11.7 million forced labourers, or 56% of the global total.

²⁷ "Trafficking in persons" *UNHCR*, accessed January 19, 2021 <https://www.unhcr.org/en-my/human-trafficking.html>

²⁸ Helena Legido-Quigley, Fiona Leh Hoon Chuah, Natasha Howard "Southeast Asian health system challenges and responses to the 'Andaman Sea refugee crisis': A qualitative study of health-sector perspectives from Indonesia, Malaysia, Myanmar, and Thailand" *Plos Medicine*, accessed December 29, 2020

<https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1003143#>

²⁹ "Mixed movements in southeast asia 2016" *UNHCR*, accessed December 29, 2020

https://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Movements%20in%20South-East%20Asia%20-%202016%20--%20April%202017_0.pdf

³⁰ "Rohingya crisis" *UNHCR*, accessed December 29, 2020 <https://www.unhcr.org/rohingya-emergency.html>

This marks the region as having the highest absolute numbers of forced labourers in the world by far.³³ Large-scale irregular migration has also come about as a result of ethnic and state-based persecution against the Rohingya in Myanmar with people moving through the Andaman Sea route from Bangladesh to Thailand, Indonesia and Malaysia. The May 2015 crisis exposed the dangers and risks associated with this maritime journey. From communal based violence in Rakhine State in 2012 against the stateless Rohingya and other (non-stateless) Muslim ethnic groups such as the Kaman, Amnesty International reports that 125,000 Rohingya were internally displaced³⁴ while the ASEAN Parliamentarians for Human Rights

³¹ "Asia and the pacific" *Global Slavery Index*

<https://www.globalslaveryindex.org/region/asia-pacific/>

³² Professor Sharon Pickering, Rebecca Powell "Migration displacement briefing note series 1" *Oxfam Monash Partnership*, accessed December 29, 2020 http://www.iom.int/sites/default/files/infographic/C2015_10

³³ "Ending forced labour by 2030: A review of policies and programmes" *International Labour Organisation*, accessed December 29, 2020

https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipcc/documents/publication/wcms_653986.pdf

³⁴ "Deadly journeys: The refugee and trafficking crisis in Southeast Asia" *Amnesty*, accessed December 29, 2020

<https://reliefweb.int/report/myanmar/deadly-journeys-refugee-and-trafficking-crisis-southeast-asia>

estimate this number to be up to 140,000.³⁵

As a result of this violence and displacement, by 2014-2015 it is estimated that 94,000 people, most of whom were Rohingya, took the boat journey from the Bay of Bengal through the Andaman Sea to reach places of

safety in Thailand, Malaysia and Indonesia.³⁶ Additionally, in two months in 2017, over 600,000 Rohingya fled across the border into Bangladesh. Other migrant and refugee ethnic groups from Myanmar have also been affected by decades of conflict, oppression and forced displacement including the Kachin in the North and the Karen and Karenni in the South East..

DEFINITIONS

1. **Asylum seeker:** An individual who requests for sanctuary from another country, but the request has yet to be processed or granted.³⁷
2. **Internally displaced person (IDP):** An individual who was forced or obliged to leave their habitual residence, usually as a result of conflicts or human-made disasters, but have not crossed an internationally recognized State border.³⁸
3. **Non-refoulement principle:** A fundamental principle of international law that prohibits States from transferring or removing individuals from their jurisdiction when there are substantial grounds to believe that the person would be at risk upon return, which include possibility of persecution, torture, ill-treatment, or other human fatal rights violations.³⁹

³⁵ "The Rohingya Crisis and the Risk of Atrocities in Myanmar: An ASEAN Challenge and Call to Action" *Asian Parliamentarians for Human Rights*, accessed December 29, 2020
<https://aseanmp.org/wp-content/uploads/2015/08/The-Rohingya-Crisis-and-the-Risk-of-Atrocities-in-Myanmar-An-ASEAN-Challenge-and-Call-to-Action.pdf>

³⁶ "Abandoned at sea" *UNHCR*, accessed December 29, 2020

<https://www.unhcr.org/en-my/news/stories/2015/8/56ec1eabd/abandoned-at-sea.html>

³⁷ "Asylum-Seekers - UNHCR."
<https://www.unhcr.org/uk/asylum-seekers.html>. Accessed 4 Jan. 2021.

³⁸ "IDP definition - UNHCR|Emergency Handbook."
<https://emergency.unhcr.org/entry/44826/idp-definition>. Accessed 4 Jan. 2021.

³⁹ "The principle of non-refoulement under international human"
<https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>. Accessed 4 Jan. 2021.

4. **Refugee:** A person who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.⁴⁰

SCOPE OF DEBATE

MIGRANT SMUGGLING AND ILLEGAL ROUTES

Smuggling of migrants is defined by Article 3 of Protocol against the Smuggling of Migrants as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. Smuggling is often done by groups of organized crime rather than individuals for various purposes but most often associated economic gain.⁴¹ It is also one of the most profitable illegal activities. It was reported that around 2,5 millions migrants were smuggled in 2016 which generated over 7 billion US dollars in revenue.⁴² Furthermore, these activities are also linked to other crimes such as money laundering, corruption, terrorism, trafficking in illicit goods and human trafficking for modern slavery.

Large numbers of migrations are occurring by sea, meaning that people seeking asylum are often taking maritime routes to reach resettlement countries. Economic reasons are among the driving factors on why migrants tend to migrate over sea, while some might be able to afford safer means such as through international flights, others do not have the financial capability to do so. While drifting in the sea, migrants often deal with extreme conditions with barely any life resources to back them up. These conditions make them vulnerable to being smuggled. Smugglers will take advantage of migrant's aspiration for a decent life. They work by facilitating the passage of migrants with little regard for their safety and often use documents forgery and illegal attempts to gain national citizenship.⁴³ Smuggled migrants are vulnerable to injuries and die due to inhuman treatment during their exile.

⁴⁰ "The 1951 Refugee Convention - UNHCR." <https://www.unhcr.org/uk/1951-refugee-convention.html>. Accessed 4 Jan. 2021.

⁴¹ Crépeau, François. "The fight against migrant smuggling: Migration containment over refugee protection." In *Joanne van Selm, Khoti Kamanga, John Morrison, Aninia Nadig, Sanja Spoljar-Vrzina and Loes van Willigen, The Refugee Convention at Fifty. A View from Forced Migration Studies*, Lanham: Lexington Books, pp. 173-185. 2003.

⁴² "Migrant Smuggling". 2021. *Western Hemisphere Program*. Accessed January 8. <https://programamesoamerica.iom.int/en/work-areas/migrant-smuggling>.

⁴³ "Migrant Smuggling". 2021. *European Union Agency For Criminal Justice Cooperation*. Accessed January 8. <https://www.eurojust.europa.eu/crime-types-and-cases/crime-types/migrant-smuggling>.

Combating migrant smuggling is complex. Seashore operations are frequently launched to rescue refugees at sea and identify potential smugglers. Triton and Poseidon are among the most prominent operations launched by European Border and Coast Guard Agency (Frontex) that collected intelligence about criminal networks and migrant smugglers. These informations are used by national authorities to

strengthen border surveillance and combat cross-border crimes.⁴⁴ However, as the time goes by, smugglers are becoming more organized and dynamic in regards to their operation. They establish networking that transcends borders and regions to lower the risk of detection. There is no specific pattern to determine their operations which has made it difficult for states and international institutions to determine approaches to counter the issue..

SAFETY MEASURES OF MARITIME MOVEMENT

The UNHCR has come up with the Global Initiative on Protection at Sea on 2014⁴⁵ that lays out the elements necessary in state's response in addressing the maritime movement of refugee, which comprise of two main objectives:

- a. Reducing loss of life, exploitation, abuse and violence at the sea
- b. Establishing protection-sensitive responses to irregular mixed migration by sea

The international legal framework that addresses the protection of human life at sea is made up of four main frameworks⁴⁶, which are (1) the International Law of the Sea, (2) International Refugee Law, (3)

International Human Rights Law, and the (4) International Humanitarian Law. In terms of rescue operations, the International Maritime Law also plays a significant part in ensuring the protection of refugees⁴⁷. State obligations are also addressed under the Article 98 of the UNCLOS, SAR, and SOLAS Conventions that impose the duty to render assistance, as well as the duty to rescue and set up SAR services.⁴⁸

Gaps in the implementation of the legal framework governing rescue at sea

Recent amendments to the 1974 International Convention for the Safety of Life at Sea (SOLAS Convention) and

⁴⁴ "Operation Poseidon (Greece)". 2021. *Frontex.Europa.Eu*. Accessed January 20. <https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece/>.

⁴⁵ "Global Initiative on Protection at Sea - UNHCR." <https://www.unhcr.org/uk/protection/migration/5375db0d9/global-initiative-protection-sea.html>. Accessed 21 Dec. 2020.

⁴⁶ "Refugees and asylum-seekers in distress at sea ... - Refworld." 10 Nov. 2011,

<https://www.refworld.org/docid/51751dde4.html>. Accessed 21 Dec. 2020.

⁴⁷ "Rescue at sea: A guide to principles and practice as ... - UNHCR." <https://www.unhcr.org/uk/publications/brochures/450037d34/rescue-sea-guide-principles-practice-applied-migrants-refugees.html>. Accessed 21 Dec. 2020.

⁴⁸ "The Interdiction of Asylum Seekers at Sea: Law and - UNHCR." <http://www.unhcr.org/5a0574597.pdf>. Accessed 21 Dec. 2020.

the 1979 International Convention on Maritime Search and Rescue (SAR Convention), as well as associated International Maritime Organization (IMO) Guidelines, have strengthened the framework governing rescue at sea, notably by establishing an obligation for all States to coordinate and cooperate in rescue at sea operations⁴⁹.

Nevertheless, practical and operational challenges remain. These are due, in part, to the fact that search and rescue operations can trigger the responsibilities of different States and that these responsibilities may conflict with migration management and security objectives relating to irregular sea arrivals. Lack of capacity to implement search and rescue (SAR) obligations or to receive persons rescued at sea upon disembarkation can be additional complicating factors. The inability to properly address these challenges can lead not only to loss of life at sea, but also to significant costs for the shipping industry and the international community. Such failure may also deny the protection due to refugees under the principle of non-refoulement.

Fundamentally, a core challenge in any particular rescue at sea operation involving refugees is often the timely identification of a place of safety for disembarkation, as well as necessary follow-up, including reception arrangements, access to appropriate processes and procedures, and outcomes. If a shipmaster is likely to face delay in disembarking rescued people, he/she may be less ready to come to the assistance of those in distress at sea. Addressing these challenges and developing predictable responses requires strengthened cooperation and

coordination among all States and other stakeholders implicated in rescue at sea operations.

Towards solutions: operational tools to enhance international cooperation

Cooperative arrangements could be developed to support countries of disembarkation and/or processing. This could include assistance for reception arrangements and burden-sharing schemes to provide a range of outcomes to individuals, depending on their profile and needs. The Model Framework for Cooperation in Rescue at Sea Operations involving Refugees (Model Framework)

⁴⁹ "Refugees and Asylum-Seekers in Distress at Sea – how best to respond?" , *UNHCR* accessed

January 20, 2021
<http://www.unhcr.org/4ec1436c9.html>.

(Annex I) proposed by UNHCR⁵⁰ offers a starting point for such discussions. The Model Framework is based on and further develops UNHCR's 10 Point Plan of Action on Refugee Protection and International Migration. The Model Framework is without prejudice to and

flows from existing international law, including international refugee and human rights law. It is a complement to, and not a substitute for, mechanisms adopted to implement the SAR and SOLAS Conventions.

DILEMMA OF NATIONAL INTEREST AND CLOSING BORDERS

Travel restrictions implemented early on in the pandemic have been crucial in slowing the spread of the coronavirus and keeping death rates low. A new study published by Ruud Koopmans, director at the WZB Berlin Social Science Center⁵¹, shows that countries that had travel restrictions in place by February or early March suffered fewer COVID-19 fatalities by mid-year than countries that acted later. The study examines for 181 countries worldwide how restrictions on international travel have affected COVID-19 mortality.

Until mid-March 2020, the World Health Organisation were convinced that the spread of the virus could not be curbed by border closures. This belief was fatally mistaken. The study draws on sociological accounts of network diffusion and shows that countries that are heavily exposed to international travel and tourism – such as France, Italy, and the USA – recorded significantly higher numbers of deaths. At the same time, death rates in

countries more at the margins of international travel networks as well in island states remained comparatively low.

In view of this key role of international travel flows, the study examines the effects of entry bans and mandatory quarantines on COVID-19 mortality. The earlier such travel restriction measures were implemented, the greater was their limiting effect on mortality. Crucially, travel restrictions needed to be in place before the local spread of the virus had spiraled out of control. If one compares countries that imposed travel restrictions until early March 2020 to countries that implement them from mid-March onward or not at all, mortality within the first group is an estimated 62 percentage points lower than in the second group.

Assistant High Commissioner for Protection, Gillian Triggs⁵², said

⁵⁰ "Refugee Protection and Mixed Migration: A 10-Point Plan of Action, 2007", *UNHCR* accessed January 20, 2021 <http://www.unhcr.org/protect/PROTECTION/4742a30b4.pdf>

⁵¹ "A virus that knows no borders?" *Ruud Koopmans*, accessed January 5, 2021 <https://bibliothek.wzb.eu/pdf/2020/vi20-103.pdf>

⁵² "UNHCR's Gillian Triggs warns COVID-19 severely testing refugee protection" *UNHCR*, accessed January 5, 2021, <https://www.unhcr.org/en-my/news/press/2020/10/5f7de2724/unhcrs-gillian->

measures enacted by governments in response to the pandemic ranged from some of the most humane through to blanket denials of access to asylum and forced returns to danger. At the height of the pandemic, 168 countries fully or partially closed their borders with about 90 making no exception for people seeking asylum, seriously limiting access to international protection.

Some also returned asylum seekers to their country of origin during this period, risking refoulement of many in need of protection, while others increasingly resorted to the disproportionate use of immigration detention.

Triggs also cautioned against efforts by some countries to “externalize” their asylum processes to third countries. Externalization can amount to warehousing asylum seekers indefinitely in isolated places, ‘out of sight and out of mind’, exposing them to danger and chain refoulement. The abdication of responsibility in this way presents a threat to the global asylum system and should be challenged. Other states, however, managed to ensure access to their territory despite the pandemic for refugees fleeing to safety.

The closure of an estimated 167 countries’ borders – with at least 57

[triggs-warns-covid-19-severely-testing-refugee-protection.html](https://www.refworld.org/docid/5e7132834.html)

⁵³ “Key Legal Considerations on access to territory for persons in need of international protection in the context of the COVID-19 response,” *UNHCR* accessed January 20, 2021 : <https://www.refworld.org/docid/5e7132834.html>

making no exceptions for asylum seekers and others freezing the processing of asylum applications entirely – violates the right to seek asylum and is a serious protection concern⁵³. And, in turn, it creates many other protection issues.

There are reports of asylum seekers and other migrants attempting dangerous crossings, such as across the Atlantic to the Canary Islands, in an attempt to successfully seek asylum during the COVID-19 pandemic. Accounts of push backs and refoulement have grown, as well as violence along closed borders. Many of these are occurring under the pretext of health concerns, demonstrating a dangerous justification for the violation of international law⁵⁴.

The current reality of border restrictions and access to asylum can be seen through UNHCR’s COVID-19 Platform on Temporary Measures and Impact on Protection, an evidence-based tool updated biweekly that captures global data on borders and admission of asylum-seekers and national asylum procedures in an effort to inform policy and decision-making.

The Comprehensive Refugee Response Framework (CRRF) Secretariat in Uganda has recently written an issues paper highlighting the effects of COVID-19 on

⁵⁴ “Global: Ignored by COVID-19 responses, refugees face starvation” *Amnesty International* accessed January 20, 2021 <https://www.amnesty.org/en/latest/news/2020/05/refugees-and-migrants-being-forgotten-in-covid19-crisis-response/>

refugee responses in the country. Key issues to address are border closures that limit asylum space, the closing of schools and ensuing child protection and child labour issues, and limited livelihoods for refugees. The Secretariat suggests that ways to address these includes ensuring that international partners are aligning their responses with national coordination mechanisms at district and other levels that host governments' have set up to deal with the pandemic – essentially the government-led response that the GCR advocates through its multi-stakeholder approach⁵⁵.

The Situation in the EU

Following the outbreak of the COVID-19 pandemic, the majority of EU Member States introduced restrictions for third-country nationals crossing the EU's external border. In some cases, EU Member States banned entry to asylum applicants (Greece, Hungary), pushed back boats with asylum seekers on board (Cyprus, Greece) or declared their ports “unsafe” (Italy and Malta) which meant closing the borders even for the disembarkation of people rescued at sea. Other Member States closed their arrival centers, ultimately restricting access to seeking asylum (inability to lodge asylum applications). The state of emergency due to COVID-19 declared in Hungary, led to the suspension of the right to apply for asylum.

In Spain, the processing of asylum applications has been suspended since the state of emergency entered into force on 15 March. Belgium closed the arrival centre for asylum seekers in Brussels to contain the spread of COVID-19, hence new applicants were not able submit an application for international protection and thus be assigned reception places. The asylum authority (Fedasil) re-opened the arrival centre on 3 April for priority cases received via an online registration and appointment system.

A more human-rights compliant approach has been taken by countries such as Germany and Sweden, which allows access to filing of new asylum applications and also for entry to the country in order to seek asylum. The status of people who were in the process of applying for international protection was automatically extended in Luxembourg. In Portugal, it was decided that persons who applied for international protection are considered to be regularly in the country and thereby qualified for health care and public services. In Greece a new, temporary health number was given to all asylum seekers to ensure free public healthcare to asylum-seekers who arrived in Greece since July when the new government halted the granting of social security numbers⁵⁶.

⁵⁵ “Exploring the impact of COVID-19” *UNHCR* accessed on January 20, 2021 <https://data2.unhcr.org/en/documents/download/79498>

⁵⁶ “COVID 19 Measure - Services Ensured for People with Pending Applications for Asylum or Regularisation” *ECRE*, accessed on January 20, 2021

Other ways to manage border restrictions while respecting human rights, including the principle of non refoulement – meaning not returning asylum-seekers to countries where they are likely to face danger. Instead, countries could put quarantine

measures and health checks in place. Article 33 of the 1951 Refugee Convention prohibits without discrimination, any State conduct leading to the expulsion of a refugee ‘in any manner whatsoever’ to a foreign territory where their lives or freedoms are at risk.

KEY STAKEHOLDERS

Resettlement Countries

Resettlement countries can be understood as countries that receive refugees or become the destination of asylum seekers. Resettlement countries are varied in regard to their stances to refugees acceptance. Some countries are open to refugees while others are still reluctant. Countries that are open usually have an established national law that guarantees basic rights of refugees in accordance with the provision of 1951 Convention and other related protocols. On the contrary, there are also several factors that make countries reluctant to accept refugees, such as the concern over national security, political tension, economic burden, and possibility of social tension.

In regards to the maritime movement of refugees, countries with close proximity to the ocean often become destinations of refugees migrating over sea. Although states, like European countries, have begun to accept asylum seekers, some still close their borders on the pretext

that they did not sign the refugee convention. Some non-contracting states however have become transit countries for migrants before they receive asylum in their destination country.

Even though it is legal for states to restrict the entry of refugees under several conditions, states clearly have responsibilities to provide assistance at the sea. This practice is derived from moral obligations among seafarers that are listed in the Article 98 of United Nations Convention of The Law of The Sea (UNCLOS) and Regulation V-33 of the International Convention for the Safety of Life at Sea (SOLAR).⁵⁷ Accordingly, states must accept if their vessels engage in rescue operation to persons in danger at sea.⁵⁸ For coastal states, they have special responsibility to coordinate Search and Rescue (SAR) in specific seashore areas under the International Convention on Maritime

<https://www.ecre.org/portugal-covid-19-measure-services-ensured-for-people-with-pending-applications-for-asylum-orregularisation/>

⁵⁷ Rosaeg, Erik. 2020. "The Duty To Rescue Refugees And Migrants At Sea". *Oxford Law*

Faculty. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/03/duty-rescue>.

⁵⁸ Ibid.

Search and Rescue.⁵⁹ Unfortunately, there are many states that fail to honor these obligations. Delegates therefore need to analyze the obstacles hindering states to fulfill their obligations in regards to this matter.

Regional Institutions

The issue of refugees can also be a regional problem that will be discussed through regional institutions that are present in specific regions such as the Association of Southeast Asia Nations (ASEAN), the European Union (EU), and the African Union (AU). The role of regional institutions is crucial as they coordinate actions of the whole region and are responsible for harmonizing interpretations of member states in regards to refugees acceptance.

In some cases, the operation of securing refugees by the sea is conducted by regional institutions. For instance, the European Union has launched several seashore operations such as Themins, Poseidon, Sophia, and Indalo mainly aimed to reduce the percentage rate of refugees that died and went missing during their course to reach the

continent during the European Migrant Crisis.⁶⁰ Until now, these operations have reduced the possibility of migrants smuggling and there have been over 500.000 lives saved.⁶¹ Hence, it is therefore important for delegates to acknowledge the primary role of regional institutions in securing maritime movement for refugees.

Organized Crime Groups

Organized criminal groups (OCG) can be referred to self-perpetuating associations who operate, wholly or in part, by illegal means and irrespective of geography whose main purposes are to obtain power, influence, and monetary gains.⁶² These groups are mainly responsible for migrant smuggling as it is commonly done by groups of organized crime rather than individuals. OCGs are taking advantage of migrants that are bobbing in the sea for various criminal purposes including money laundry, trafficking of illegal goods, and slavery. The natural complex of these groups, as there is no single structure on how they operate, has made it difficult for states to track their operations.⁶³ Thus, delegates need to determine how nations and

⁵⁹ "International Convention On Maritime Search And Rescue". 1979. *Refworld*. Accessed January 8. <https://www.refworld.org/docid/469224c82.html>.

⁶⁰ Saving Lives at Sea and Targeting Criminal Networks". 2020. *Council of the European Union*. <https://www.consilium.europa.eu/en/policies/migration-pressures/sea-criminal-networks>

⁶¹ Ibid.

⁶² "Organized Crime | Federal Bureau Of Investigation". 2021. *Federal Bureau Of Investigation*. Accessed January 7. [https://www.fbi.gov/investigate/organized-crime?__cf_chl_jschl_tk__=a529b1cc71be7466e1d](https://www.fbi.gov/investigate/organized-crime?__cf_chl_jschl_tk__=a529b1cc71be7466e1d99bfccacf7b2f024cbb41-1610012708-0-AbFJQcO_9PY5C3c1elyLVlgBHO4o4qOxniWU_COLB_l_bJ5X1fSaac9wD5O--mNQWVDVvvn8jgBCZbPuqlxDizZ943QKrRI-exU71gizOgf5KyaCL2aeURxcREsfMzATCTF719R1urorVyIIYhS2huweXiCukuCbrLpGjL-nrSGCQ-Ql1YKhoodKdMoJbD_u8h4eyJMmcUOjCHkcK0EFV7tIAmwYH2wr2G1QqYB3wCXMxAnRYEmX2WLElcljWtEh0CKnFE5-gqnUDFHGdSxxyBfsjiZMmul7O7lqLfr2iQZRN_OOUMLtVnyoddCH142mD6HzKQbMOfeMcddkXDX6T687SsmY1zLyooVy2leoypzdPo0ejlI3IN_5IXHe9OYRcVl_gcqUgSnnvR-KzbwbWSQ-k)

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⁶³ Ibid.

international communities work together to counteract OCGs.

International Organization

Aside from UNHCR, there are several international institutions that support the rights of refugees. These international organizations are oftentimes working hand to hand with UNHCR in regards to ensuring basic rights for refugees and monitoring states commitment to existing international frameworks. For example, International Organization for Migration (IOM) is one of the United Nations related

organizations that works closely with UNHCR to make sure that the rights of migrants in general are fulfilled by the national government. They provide services and advice concerning internally displaced persons, refugees, and migrant workers to government ministries and departments.⁶⁴ Aside from that, private institutions, non-governmental organizations, and human rights organizations are oftentimes working hand to hand with UNHCR to oversee refugee cases in many parts of the world. It is important for delegates to also acknowledge the role of these organizations as they may ease the work of UNHCR in the upcoming future.

QUESTIONS A RESOLUTION MUST ANSWER

1. Considering the complexity of the issue, what approaches shall UNHCR prioritize to safeguard maritime movement of refugees?
2. What steps must be taken by the nation to ensure refugees safety?
3. Should countries in groups involved in the conflict have greater responsibility regarding rights and welfare of refugees?
4. What strategies can institutions at the non-governmental, national, regional, and international levels implement to help and assist the refugees?
5. Considering the prevalence of illegal smuggling and trafficking of refugees through maritime routes, what can the UNHCR do to address this issue?

⁶⁴ Bradley, Megan. "The International Organization for Migration (IOM): gaining power in the forced

migration regime." *Refuge: Canada's Journal on Refugees* 33.1 (2017): 97-106.

1. ¹ "The Mandate Of The High Commissioner For Refugees And His Office". 2020. UNHCR Documents, no. 2020.
2. ¹ "Protecting Refugees and The Role Of UNHCR". 2014, 2-28.
3. ¹ "Statute of The Office of The UNHCR". 2011 428 (V): 6-12.
4. ¹ "UNHCR: An Overview". 2008.
5. ¹ "Protecting Refugees And The Role Of UNHCR". 2013. UNHCR Documents, no. 2013.
6. ¹ "Asylum seeker boat with 21 aboard ran out of fuel three days" 23 Sept. 2015, <https://www.theguardian.com/world/2015/sep/24/asylum-seeker-boat-with-21-aboard-ran-out-of-fuel-three-days-before-rescue>. Accessed 3 Jan. 2021.
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8. ¹ "'Thousands of refugees and migrants suffer extreme rights'" <https://www.un.org/africarenewal/news/thousands-refugees-and-migrants-suffer-extreme-rights-abuses-journeys-africa%E2%80%99s-mediterranean>. Accessed 3 Jan. 2021.
9. ¹ "The State of The World's Refugees 2000: Fifty Years of Humanitarian Action" United Nations High Commissioner for Refugees (UNHCR) accessed December 29, 2020 <http://www.unhcr.org/4a4c754a9.html>
10. ¹ "Resolve conflicts or face surge in life-long refugees worldwide, warns UNHCR Special Envoy" United Nations High Commissioner for Refugees (UNHCR) accessed January 19, 2021 <https://www.unhcr.org/en-my/news/press/2014/6/53a42f6d9/resolve-conflicts-face-surge-life-long-refugees-worldwide-warns-unhcr-special.html#:~:text=According%20to%20the%20UNHCR%20report,of%20solutions%20for%20existing%20refugees>.
11. ¹ "UNHCR's mandate for refugees, stateless persons and IDPs" United Nations High Commissioner for Refugees (UNHCR) accessed January 19, 2021 <https://emergency.unhcr.org/entry/55600/unhcrs-mandate-for-refugees-stateless-persons-and-idps>
12. ¹ Barbara Miltner, "Irregular Maritime Migration: Refugee Protection Issues in Rescue and Interception" *Fordham International Law Journal* 1, issue 19 (2006): 75 accessed 29 December 2020 <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2035&context=ilj>
13. ¹ UNHCR, " South-east Asia Irregular Maritime Movement" UNHCR, accessed December 29, 2020 <https://www.refworld.org/pdfid/53f74c194.pdf>

14. ¹ Moretti Sebastian “UNHCR and the migration regime complex in Asia-Pacific” UNHCR, accessed January 19, 2021 <https://www.unhcr.org/5823489e7.pdf>
15. ¹Indrika Ratwatte, “News comment on maritime movements of refugees and asylum-seekers,” accessed December 29, 2020 <https://www.unhcr.org/en-my/news/press/2020/4/5ea13da74/news-comment-maritime-movements-refugees-asylum-seekers-unhcr-regional.html>
16. ¹ “Global trends: forced displacement in 2018”, UNHCR, accessed December 29, 2020 <https://www.unhcr.org/globaltrends2018/>
17. ¹ “Refugee and Migrant Crisis in Europe” UNICEF, accessed January 19, 2021 <https://www.unicef.org/appeals/refugee-migrant-response-europe#:~:text=Between%20January%20and%20August%202020,require%20urgent%20care%20and%20protection.>
18. ¹ “Mixed maritime movements in southeast-asia in 2015” UNHCR, accessed December 29, 2020 <https://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Maritime%20Movements%20in%20South-East%20Asia%20-%202015.pdf>
19. ¹ “Key migration terms” IOM UN Migration, accessed December 29, 2020 <https://www.iom.int/key-migration-terms>
20. ¹ Legido-Quigley Helena, Pocock Nicola, Tan Sok Teng, Pajin Leire, Suphanchaimat Repeepong, Wickramage Kol et al. “Healthcare is not universal if undocumented migrants are excluded” BMJ, accessed December 29,2020 <https://doi.org/10.1136/bmj.l4160>
21. ¹ Fiona Leh Hoon Chuah, Sok Teng Tan, Jason Yeo & Helena Legido-Quigley, “The health needs and access barriers among refugees and asylum-seekers in Malaysia: a qualitative study” *International Journal for Equity in Health*, accessed December 29, 2020 <https://doi.org/10.1186/s12939-018-0833-x>
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 33. ¹ “Ending forced labour by 2030: A review of policies and programmes” International Labour Organisation, accessed December 29, 2020 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_653986.pdf
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52. ¹ "UNHCR's Gillian Triggs warns COVID-19 severely testing refugee protection" UNHCR, accessed January 5, 2021, <https://www.unhcr.org/en-my/news/press/2020/10/5f7de2724/unhcrs-gillian-triggs-warns-covid-19-severely-testing-refugee-protection.html>

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60. ¹ "Saving Lives at Sea and Targeting Criminal Networks". 2020. Council of the European Union. <https://www.consilium.europa.eu/en/policies/migratory-pressures/sea-criminal-networks>
61. ¹ Ibid.
62. ¹ "Organized Crime | Federal Bureau Of Investigation". 2021. Federal Bureau Of Investigation. Accessed January 7. https://www.fbi.gov/investigate/organized-crime?__cf_chl_jschl_tk__=a529b1cc71be7466e1d99bfccacf7b2f024cbb41-1610012708-0-AbFJQcO_9PY5C3c1elyLVIgBHO4o4qOxniWU_COLBl_bJ5X1fSaac9wD5O--mNQWDVvvn8jgBCZbPuqIxDIzZ943QKrRI-exU71gizOgf5KyaCL2aeURxcREsfMzATCTF719RlurorVyIIYhS2huweXiCukuCbrLpGjL-nrSGCQ-Ql1YKhoodKdMoJbD_u8h4eyJMmcUOjCHkcK0EFV7tAmwYH2wr2G1QqYB3wCXMxAnRYEmX2WLElcljWtEh0CKnFE5-gqnUDFHGdSxyyBfsjiZMmul7O7lqLfr2iQZRN_O0UMLtVnyoddCH142mD6HzKQBMOfeMcddkXDX6T687Ssmy1zLyooovy2leoypzdPo0ejlI3IN_5lXHe9OYRcVl_gcqUgSnvvR-KzbwbWSQ-k.
63. ¹ Ibid.
64. Bradley, Megan. "The International Organization for Migration (IOM): gaining power in the forced migration regime." *Refuge: Canada's Journal on Refugees* 33.1 (2017): 97-106.

TOPIC 2: INTEGRATION AND EMPLOYMENT OF REFUGEES

SUMMARY

The painful journey of being a refugee unfortunately doesn't end once they are entitled to the legal refugee status and are settled in their host countries. The discrimination and alienation of refugees are major problems that have persisted within society. The social exclusion of employment for refugees violates a basic human right, which is access to safe and lawful employment, and also violates the 1951 Refugee Convention that enshrined labor and employment rights. Although might be recognized in paper, the actualization is often different in practice. In some countries, refugees are often denied work permits, find it

difficult to be employed, or face discrimination in the workplace.^{65,66,67} It is also important to note that contrary to popular belief, many refugees are not denied work permits due to their lack of incompetence. There are also highly-skilled refugees with high educational degrees and notable work experiences that find it difficult to obtain work, when in reality this should not have been the case.⁶⁸ All things considered, the discussion on the integration and employment of refugees is highly vital as these issues are not only pertaining to the refugees itself, but can actually be beneficial for the host countries..

⁶⁵ "U.S. restricts work permits for asylum-seekers, raising fears of" 25 Aug. 2020, <https://www.cbsnews.com/news/work-permits-asylum-seekers-trump-administration-rule/>. Accessed 3 Jan. 2021.

⁶⁶ "I applied for over 100' jobs: Refugees struggle to find" 29 Dec. 2017, <https://www.cbc.ca/news/canada/manitoba/manitoba-refugees-jobs-employment-1.4466519>. Accessed 3 Jan. 2021.

⁶⁷ "'The catch-22': refugees to Australia struggle to find work" 19 Mar. 2018, <https://www.theguardian.com/australia-news/2018/mar/20/the-catch-22-refugees-to-australia-struggle-to-find-work>. Accessed 3 Jan. 2021.

⁶⁸ "New Australians feel abandoned as they battle social isolation" 15 Oct. 2019, <https://www.abc.net.au/news/2019-10-16/social-isolation-refugee-immigration/11586114>. Accessed 3 Jan. 2021.

INTRODUCTION

The two-way process underlies the three specific dimensions that UNHCR emphasizes as being part of the process of refugee integration:

As a legal process: refugees are granted a range of entitlements and rights which are broadly commensurate with those enjoyed by citizens. These include freedom of movement, access to education and the labour market, access to social assistance, including health facilities, and the capacity to travel with valid travel and identity documents. Realization of family unity is another important aspect of integration. Over time the process should lead to permanent residence rights and in some cases the acquisition of citizenship in the country of asylum.

As an economic process: refugees attain a growing degree of self-reliance and become capable of pursuing sustainable livelihoods, thus contributing to the economic life of the host country.

As a social and cultural process: refugees acclimatize and local communities accommodate refugees to enable them to live amongst or alongside the receiving population without discrimination or exploitation, and contribute actively to the social life of their country of asylum.

Integration is, in this sense, an interactive process involving both refugees and nationals of the receiving state, as well as its institutions. The result is ideally a society that is both diverse and open, where people can form a community, regardless of differences⁶⁹. A diverse and open society has been observed within current integration policy to be often “based on a vision of a society where individuals with different cultural and ethnic backgrounds can co-exist”⁷⁰. These authors observe further that the approach to integration has narrowed in recent years to one which includes not encroaching on the fundamental values of the receiving society⁷¹ and this has increasingly been reflected at policy level and emphasizes

⁶⁹ “The Global Report 2002” *UNHCR*, accessed December 29, 2020

<https://www.unhcr.org/en-my/publications/fundraising/4a0c24cf6/global-report-2002.html>

⁷⁰ Abdifatah Ali “The integration of Somali immigrants in Sweden” *Linneuniversitetet*, accessed December 29, 2020 [https://www.diva-](https://www.diva-portal.org/smash/get/diva2:971126/FULLTEXT01.pdf)

[portal.org/smash/get/diva2:971126/FULLTEXT01.pdf](https://www.unhcr.org/en-my/publications/fundraising/4a0c24cf6/global-report-2002.html)

⁷¹ “A new beginning: Refugee integration in Europe”, *UNHCR*, accessed December 29, 2020

<https://www.refworld.org/pdfid/522980604.pdf>

the responsibility of the newcomer in the integration process.

BACKGROUND

There are now more than 65 million forcibly displaced persons in the world, including 22.5 million refugees, with the vast majority in developing countries. G20 and OECD countries currently host more than six million refugees, up from 2.4 million in 2010. A large part of this recent increase consists of people seeking refuge in neighbouring countries of Syria or crossing the Mediterranean to Europe. A number of countries also receive persons on resettlement and other complementary pathways of admission.

Countries receiving refugees face major challenges to integrate refugees in their economy and society. However, refugees also represent a significant opportunity for the host country, given the many skills and aptitudes that they bring. According to Refugee Council Of Australia (RCOA) in its 2010 study⁷², “Australia’s refugees and humanitarian entrants have found success in every field of endeavor, including the arts, sports, media, science, research,

business and civic and community life”. However, the issue that has kept many people questioning is how these refugees suddenly become entrepreneurial, yet they normally come to Australia as needy people relying on humanitarian support for survival, including their basic needs. In the 2012 research of RCOA⁷³, it was discovered that refugees comprise a diverse group of skilled people, with varied skills and potentials, and professional competencies, which when the refugees are allowed to exercise within the regional labor and business markets, can bring significant economic benefits to the host nations. Through the study of RCOA, it was discovered that refugees and humanitarian immigrants have an important impact on the host nation’s economy because they boost labor that is much needed for industrial growth and economic development.

During interviews undertaken by UNHCR with refugees, the latter identified employment, including training or retraining, as one of their two

⁷² Refugee Council of Australia [RCOA]. (2010) “Economic, civic and social contributions of refugees and Humanitarian entrants-literature review.”, accessed January 19, 2021 https://www.dss.gov.au/sites/default/files/document/s/01_2014/economic-civic-social-contributions-refugees-humanitarian-entrants-literature-review_access.pdf

⁷³ Muhammad Yasir Arslan “Positive Impacts of Refugees’ Settlement on The Economic and Socio-Cultural Diversity of Australia” *Grinn*, accessed January 19, 2021 <https://www.grinn.com/document/419497>

principal concerns, the other being housing. For most refugee respondents, when asked what makes them feel integrated, the first thing they think of is to have a job. When asked what the most valuable help to achieve this is, many respondents replied that it is to be introduced to different paths that will lead to employment. For governments, employment is equally key for the integration of refugees.

Employment is also closely related to other areas of integration, such as access to housing, family reunification, language, healthcare, a driver's license, networks, childcare, and the asylum process itself. As part of the Comprehensive Refugee Response Framework (CRRF) annexed to the New York Declaration for Refugees and Migrants, adopted at the UN General Assembly in 2016, host States have agreed to “take measures to enable refugees to make the best use of their skills and capacities, recognizing that empowered refugees are better able to contribute to their own and their communities’ well-being and to invest in building human capital, self-reliance and transferable skills as an essential step towards enabling long-term solutions”.

While it is a State responsibility to create an appropriate legal framework, integration requires the close support and coordination of governing structures at the national, regional and municipal levels.⁷⁴ The public employment services have a particularly important role to play in this context. At

the same time, private recruitment agencies have also been very active in supporting the employment of refugees. And in addition to employers themselves, employer associations have often supported their members in these efforts, and they also play a significant role in creating conditions for sustainable employment. Integration also requires coordination with all stakeholders on the ground. Specifically, the successful labour market integration of refugees can only be achieved through joint efforts of all relevant actors, i.e. employers and their associations, as well as trade unions, relevant civil society organisations, and refugees themselves. Employers can provide opportunities to refugees through internships, apprenticeships, on-the-job training and, ultimately employment; chambers of commerce and employer associations can help navigate the legal framework; trade unions, together with employers, can work towards creating a welcoming environment for refugees in the workplace and ensuring that their rights and obligations as employees are clearly articulated and respected; civil society can support job matching and training of all parties; and academia can document what works and what does not. Critically, refugees must be made part of the process in identifying solutions to the obstacles they face and in replicating those good practices they identify.

While OECD countries, in line with the 1951 Geneva Convention related to the Status of Refugees, have granted full labour market access for refugees, this is not necessarily the case for those with complementary or temporary protection

⁷⁴ OECD, Making Integration Work (Paris, OECD Publications) 1

<https://bit.ly/1nqcII8>

status or indeed asylum-seekers pending the determination of their asylum application. Also, some countries have specific rules for persons whose application has been denied but their deportation suspended (e.g. “tolerated status” in Germany) and who may be entitled to work under restricted conditions. This heterogeneity of working rights by status type presents inherent challenges for employers.

Employers and human resources departments often lack the knowledge and support needed in navigating the rules and regulations in this area. As a result, employers may overestimate the restrictions and obstacles, and simply disregard applications of asylum-seekers, refugees or other beneficiaries of international protection. For small and medium enterprises, in particular, which generally do not have their own or fully capacitated human resource departments, bureaucratic requirements and other obstacles are often perceived to be too complex and time-consuming.

Some employers’ associations and chambers of commerce have done a tremendous job in providing consolidated information for their

members and also offer counselling services. However, it can often be difficult to know which source of information to trust and what information is the most up-to-date. Moreover, as individual applications always reflect unique situations, uncertainty remains high on the employer side – especially where decisions on relevant permits are made at the local level.

Asylum-seekers and others in need of international protection may themselves not be fully aware of the legal conditions and restrictions under which they can work. This may increase their risk of being in situations of exploitation or in a form of employment that is not law-abiding.

What is more, employment in certain types of jobs sometimes requires additional licences and certificates, which refugees do not necessarily possess upfront. While there is, in principle, often a lot of support available to tackle this issue, as well as other obstacles for refugees and employers willing to hire them, finding relevant and updated information regarding the available support is not always easy.⁷⁵

⁷⁵ “Engaging with employees in the hiring of refugees” *UNHCR* accessed December 29, 2020

<https://www.oecd.org/els/mig/UNHCR-OECD-Engaging-with-employers-in-the-hiring-of-refugees.pdf>

DEFINITIONS

- **Asylum seeker:** An individual who requests for sanctuary from another country, but the request has yet to be processed or granted.⁷⁶
- **Integration of refugees:** A dynamic and multifaceted two-way process to integrate refugees into local society, including refugees' preparation to adapt without foregoing their own identity, as well as host communities and public institutions' readiness to welcome and meet the needs of refugees.⁷⁷
- **Internally displaced person (IDP):** An individual who was forced or obliged to leave their habitual residence, usually as a result of conflicts or human-made disasters, but have not crossed an internationally recognized State border.⁷⁸
- **Refugee:** A person who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.⁷⁹

SCOPE OF DEBATE

1. THE RIGHTS OF EDUCATION

Under the 1951 Convention refugees are entitled to access education under the same conditions as nationals, but they are not automatically entitled to associated benefits, which restricts their ability to access quality education. The global average of children attending primary school is 91 percent, while the average for refugee children is 50 percent. Secondary school is even less likely for refugees, with an average of 22 percent attending, where the global

average is 84 percent. Only one percent of refugees receive a college- or university-level education. This global average is 34 percent.

The education of refugees is primarily covered by emergency funds rather than long-term programs. Given the current refugee crisis, sustainable funding is crucial for the education of refugees. The main three proposed

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

solutions are accelerated education programs, online courses and expanding vocational training. Each of these is promising because they offer the flexibility that makes school attendance a realistic option.

Accelerated Education Programs

Accelerated Education Programs (AEPs) are flexible, age-appropriate programmes, run in an accelerated time frame, which aim to provide access to education for disadvantaged, over-age, out-of-school children and youth – particularly those who missed out on, or had their education interrupted due to poverty, marginalisation, conflict and crisis. The Accelerated Education Working Group (AEWG) is made up of education partners working in the field of accelerated education. The AEWG is currently led by UNHCR with representation from UNICEF, UNESCO, USAID, NRC, Plan, IRC, Save the Children, Education Conflict and Crisis Network, and War Child Holland. The group's goal is to strengthen the quality of accelerated education programming through a more harmonized, standardized approach⁸⁰.

In Kharaz refugee camp, Yemen, the Accelerated Education Programme (AEP) helps out-of-school children aged 9-17 to complete their primary education. The Accelerated Education Programme is run by a refugee

committee called Al Ghaith and is supported by the Ministry of Education (MoE), which provides technical support, textbooks, examinations and certification. Accelerated Education Programmes are key to increasing opportunities for over-aged children and youth who have missed out on substantial amounts of schooling, enabling them to access appropriate, responsive and relevant education. Specialized rehabilitative and educational services for children with disabilities are also offered to improve their conditions, enable their integration into the communities and support their access to education⁸¹.

Connected Learning

Connected Learning⁸² is an innovative form of higher education that uses information technology to combine face-to-face and online learning. It enables students living in remote areas to connect with top universities and to exchange knowledge globally. Since 2010, over 25,000 refugee learners in 23 countries have participated in Connected Learning programmes.

Consider the case of Mariam, 22, a refugee who enrolled in the Diploma of Liberal Studies offered by Jesuit Worldwide Learning in Kakuma could not relocate to go to university, in

⁸⁰ “UNHCR Accelerated Education Working Group” *UNHCR*, accessed January 21, 2021 <https://www.unhcr.org/en-my/accelerated-education-working-group.html>

⁸¹ “UNHCR’s approach to persons with disabilities in displacement” *UNHCR* accessed January 21, 2021

<http://reporting.unhcr.org/sites/default/files/UNHCR%27s%20Approach%20to%20Persons%20with%20Disabilities%20-%20November%202019.pdf>

⁸² “Connected Higher Education” *UNHCR* accessed January 21, 2021 <https://www.unhcr.org/en-my/connected-learning.html>

Nairobi but this special opportunity allows her to study in Kakuma.

Connected higher education engages students in ways that allow them to link personal interests, peer relationships and opportunities. Connected learning methods have been particularly successful in low-resource and marginalised learning contexts.

Coordinated by UNHCR and Arizona State University, the Connected Learning in Crisis Consortium (CLCC) was founded in 2016. The CLCC aims to promote, coordinate and support the provision of quality higher education in contexts of conflict, crisis and displacement through connected learning.

The CLCC is constantly growing, connecting humanitarian, academic, and development actors across the globe. Currently the CLCC has 27 members. Members are aligned to the Consortium's shared framework, demonstrate a long-term commitment, and leverage existing resources and knowledge to further the network's goals.

Technical and Vocational Education and Training

Technical and Vocational Education and Training (TVET) encompasses education, training and skills development relating to a wide range of

occupational fields, production, services and livelihoods. In many countries, TVET is an integral part of the national education architecture and supports economic development by facilitating skilled workforce development linked to labour market needs. TVET, as part of lifelong learning, can take place at secondary, post-secondary and tertiary levels and includes work-based learning.

Designed by UNHCR's Education Unit, TVET⁸³ provides hands-on training in the fields of sewing, culinary arts, and general maintenance for refugee and asylum-seeker youth. Courses run over a period of three weeks to three months, depending on the curricula.

In order to enable the graduates to capitalise on the outcome of the TVET programme, CRS provided detailed information on livelihood opportunities and options for taking advanced TVET courses in their area of specialization post-graduation to enhance employability prospects.

UNHCR Egypt's TVET programme has been running for nearly two years. Courses in the fields of culinary arts, tailoring, car and electrical maintenance were developed to help create opportunities for refugee youth to become self-sufficient and learn new skills, which are vital for them to rebuild their lives and once again become productive members of a community.

⁸³ "Refugee Youth Graduate from UNHCR's Technical and Vocational Training Programme" *UNHCR* accessed January 21, 2021

<https://www.unhcr.org/eg/12175-refugee-youth-graduate-from-unhcrs-technical-and-vocational-training-programme.html>

Since the beginning of 2018 alone, over 80 young refugee and asylum-seekers have benefited from the courses offered. The last cohort of students is expected to graduate at the end of November.

UNHCR's support to refugee and asylum-seeker youth is made possible through the generous funding of donor countries, namely Austria, Canada, Denmark, European Union, Finland, France, Germany, Italy, Japan,

Netherlands, Norway, Sweden, Switzerland, United Kingdom and the United States of America, in addition to private donors from Australia, Korea, Germany, Spain, Japan, Italy and Sweden.

2. SOCIAL INTEGRATION OF REFUGEES

The 1951 Refugee Convention and its corresponding 1967 protocol places a clear emphasis on the importance of refugee integration, especially on its article 34 that calls upon states to facilitate the “assimilation and naturalization” of refugees.⁸⁴ Social integration of refugees are essential to ensure that they can enjoy not only their refugee rights, but also their basic human rights to the fullest. It is no secret that refugees are extremely prone to discrimination and even violence in their host countries. If refugees are not integrated into the local society, a bridge of understanding between both groups cannot be built;

thus enlarging the gap and stigma that might exist.

It is important to note that the integration of refugees should be treated as a two-way process, in which not only refugees, but also locals, have to exercise efforts to achieve it. Ideally, states should facilitate the creation of the necessary programs and policies that will bring together both groups. Due to its considerably large scope, social integration takes part in various sectors, referring to the integration into economic, health, educational, and social contexts.⁸⁵

⁸⁴ "The Integration of Refugees - UNHCR." Accessed 21 December 2020. https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/02/integration_discussion_paper_July_2014_EN.pdf.

⁸⁵ "Refugees and Social Integration in Europe - the United Nations." 16 May. 2018, https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2018/05/Robila_EGM_2018.pdf. Accessed 21 Dec. 2020.

3. EMPLOYMENT AND RESETTLEMENT OF REFUGEES

Under the 1951 conventions states are obligated to provide the basic needs for refugees including rights to resettle and engage in the economy. Under Article 34, states are obligated to facilitate the assimilation and naturalization of refugees by any means.⁸⁶ This means that the state must legally guarantee the existence of refugees in the country including the possibility for them to have permanent resettlement in the upcoming future.

Aside from that, refugees should be granted access to employment as well.

Under Article 18, contracting states are allowed to treat any other non-national citizens in regards to their right to engage in workplaces. Even though convention only covers rights to participate as labour, seeing the development of the society, the possibility for migrants to be involved in higher level of work is also rising considering that the demands for high skilled labour in labour scarce countries is also increasing.⁸⁷ In regards to this case, states should be able to look upon refugees as potential economic resources rather than a threat.

KEY STAKEHOLDERS

1. RESETTLEMENT COUNTRIES

Resettlement countries can be understood as countries that receive refugees or become the destination of asylum seekers. Resettlement countries are varied in regard to their stances to refugees acceptance. Some countries are open to refugees while others are still reluctant. Countries that are open usually have an established national law that guarantees basic rights of refugees in accordance with the provision of 1951 Convention and other related protocols. On the contrary, there are also several

factors that make countries reluctant to accept refugees, such as the concern over national security, political tension, economic burden, and possibility of social tension.

The integration and employment of refugees can be understood as state-centric problems, meaning that the state has the highest responsibility to guarantee such rights as the work of UNHCR, and other international organizations, are mainly to take care of

⁸⁶ "Convention And Protocol Relating To The Status Of Refugees". 1951. *UNHCR*. <https://www.unhcr.org/3b66c2aa10>.

⁸⁷ Weis, Paul, and Cambridge University. Research Centre for International Law. *The refugee convention, 1951*. Vol. 7. Cambridge University Press, 1995.

asylum seekers before they are put into resettlement countries.

The rights for integration and employment should be guaranteed in the provision of national laws. However, some countries still do not have an established law regarding refugee protection, not to mention that there are non-contracting states that have yet to ratify the 1951 Convention and its 1967 protocols. Thus the problem with non-

contracting states is that they are not legally obligated to provide permanent resettlement for asylum seekers.⁸⁸ Aside from that, asylum seekers would not have any rights to be recognized as refugees if the country they stay in is not a signatory to the Refugees convention.⁸⁹ In regards to this, it is crucial for delegates to make sure how UNHCR can ensure that the rights of integration and employment of refugees are still granted in non-contracting states.

2. REGIONAL INSTITUTIONS

The issue of refugees can also be a regional problem that will be discussed through regional institutions that are present in specific regions such as the Association of Southeast Asia Nations (ASEAN), the European Union (EU), and the African Union (AU). The role of regional institutions is crucial as they coordinate actions of the whole region and are responsible for harmonizing interpretations of member states in regards to refugees acceptance.

It has to be noted that some regional institutions like the European Union are ultranationalist, meaning that to some degree they possess a higher authority upon regional policies than the member states themselves. During the European Migrant Crisis, the European Union has played an important role by implementing the Common European Asylum System to provide a more integrated asylum process for the whole

of Europe.⁹⁰ Thus, the regional framework that is created by regional institutions also promotes the rights of integration and employment for refugees and it is often used by member states to act accordingly. It is therefore important for delegates to be aware of existing regional frameworks in order to determine the kind of direction each of the regions wants to pursue in the near future.

Non-Governmental Organizations

The work of UNHCR in countries is assisted by the existence of non-governmental organizations (NGOs) that help ensure the fulfillment of refugees rights. These NGO have a variety in form ranging from human rights groups, to the labour union, and even youth movements. Whereas UNHCR cannot intervene so much on a domestic level, these NGOs will help oversee the work

⁸⁸ Edwards, Alice. "Temporary protection, derogation and the 1951 Refugee Convention." *Melb. J. Int'l L.* 13 (2012): 595.

⁸⁹ Ibid.

⁹⁰ De Bruycker, Philippe, and Evangelia Lilian Tsourdi. "Building the common European asylum system beyond legislative harmonisation: practical cooperation, solidarity and external dimension." In *Reforming the Common European Asylum System*, pp. 471-538. Brill Nijhoff, 2016.

of the national government. It is important for delegates to also acknowledge the role of these

organizations as they may ease the work of UNHCR at state level.

QUESTIONS A RESOLUTION MUST ANSWER

1. How can UNHCR increase the compliance of national governments in regards to promoting the rights of integration and resettlement for refugees?
2. In what way should UNHCR cooperate with non-contracting states and other related stakeholders?
3. How can partnerships between countries and cooperation be ensured ?
4. Which legal norms should be applicable to and promoted for the betterment of refugees?
5. What should be consequences resulting from a violation of basic, fundamental human rights?

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